

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO.: 05-
v.	:	DATE FILED: July 26, 2005
ANTHONY A. BIONDI	:	VIOLATIONS:
LAWRENCE C. MAZZERLE	:	18 U.S.C. § 371 (conspiracy to commit
THOMAS D. CARBO	:	honest services mail fraud – 1 count)
	:	18 U.S.C. §§ 1341, 1346 (honest services mail
	:	fraud – 4 counts)
	:	31 U.S.C. § 5324(a)(3) (structuring monetary
	:	transactions to evade reporting
	:	requirements - 1 count)
	:	18 U.S.C. § 1001 (false statement - 1 count)
	:	26 U.S.C. § 7206(1) (filing false federal
	:	income tax returns – 7 counts)
	:	18 U.S.C. § 2 (aiding and abetting - 4 counts)
	:	Notice of forfeiture

INDICTMENT

COUNT ONE

**CONSPIRACY TO COMMIT HONEST SERVICES MAIL FRAUD
18 U.S.C. § 371**

THE GRAND JURY CHARGES THAT:

INTRODUCTION

1. At all times material to the indictment:

a. The Borough of Norristown (“the Borough”) was a municipality organized pursuant to the laws of the Commonwealth of Pennsylvania. Under state and local law, the Mayor was the chief executive officer of the Borough, and the Borough had an elected legislative body called the Borough Council. The Borough Administrator was appointed by the Mayor, and directed and supervised all Borough departments, including, among others, the Public Works and

Finance departments, and had the authority to select vendors to provide goods and services to the Borough and sign contracts, and was a signatory on the Borough checking account.

b. Defendant ANTHONY A. BIONDI was the Borough Administrator between the mid-1990s and approximately mid-2004. From time to time during this period, BIONDI was also the acting director of the Borough's Public Works and Finance departments. In these capacities, BIONDI selected numerous contractors to perform work for the Borough. BIONDI had authority to select contractors to perform paving, hauling, excavating, and snow plowing work for the Borough, and authority to veto the selection of vendors made by other Borough employees. Between approximately October 2001 and April 29, 2004, BIONDI had a hidden financial relationship with, and received numerous undisclosed cash payments from, at least two of these Borough contractors and vendors at the same time he was awarding them more than \$100,000 worth of Borough work.

c. Under state and local law, the Borough and its citizens had a right to the honest services of their public officials and employees in the operation of Borough government. As such a public official, defendant BIONDI owed the Borough and its citizens, under the Borough Charter, Borough ordinances and general laws, and Pennsylvania and common law, a duty to: (a) refrain from the use of public office for private gain; (b) disclose conflicts of interest and other material information in matters over which he had authority and discretion that resulted in his direct or indirect personal gain; (c) refrain from holding financial interests that conflicted with the conscientious performance of his duties, or recuse himself from matters in which his financial interest may be affected; (d) refrain from soliciting or accepting any item of monetary value, including gifts and loans, with the intent to be influenced, from any person seeking official

action from, doing business with, or whose interests may be affected by the performance or nonperformance of his duties; (e) act impartially and not give preferential treatment to any private individual seeking to conduct or conducting business with the Borough; and (f) disclose waste, fraud, abuse, and corruption to appropriate authorities.

d. In violation of each aspect of his duties listed above, defendant BIONDI's actions while serving as Borough Administrator were unlawfully influenced by his hidden financial relationship with certain Borough contractors and by cash and other payments he received from, among others, defendants LAWRENCE C. MAZZERLE and THOMAS D. CARBO, and others known to the grand jury, all of which BIONDI failed to disclose.

e. Defendant Mazzerle is an owner of a paving, hauling, and snow plowing company called Pottstown Contracting Company, Inc. ("PCI"), which is located in the Borough. Between in or about late-2001 and on or about April 29, 2004, PCI received tens of thousands of dollars in payments from the Borough for paving, hauling, snow plowing, and other work. MAZZERLE permitted defendant BIONDI to maintain a hidden interest in PCI by allowing BIONDI to title two tri-axle dump trucks owned by BIONDI in PCI's name between October 2001 and April 29, 2004. MAZZERLE made hidden cash payments to BIONDI which represented profits for the use of BIONDI's two trucks. At the same time he was receiving these payments, BIONDI awarded nearly \$100,000 in Borough work to PCI, the company owned, in part, by Mazzerle.

f. Defendant CARBO owns a paving company called Tommy's Paving and Excavating ("TPE"). Between late-2001 and April 29, 2004, CARBO received thousands of dollars in payments from the Borough for paving, snow plowing, and other work. Defendant

BIONDI approved the awarding of this work to CARBO and signed the checks for payment for the work. From time to time, CARBO obtained the use of BIONDI's tri-axle dump trucks, titled in the name of PCI, and made cash payments to BIONDI for the use of the trucks. CARBO often used PCI as a conduit for these payments. CARBO made these payments in cash, and not by check, in part, to conceal them because he knew that BIONDI was not permitted to have a financial interest in a Borough contractor.

2. From in or about October 2001 to on or about April 29, 2004, in the Eastern District of Pennsylvania and elsewhere, defendants

**ANTHONY A. BIONDI,
LAWRENCE C. MAZZERLE, and
THOMAS D. CARBO**

conspired and agreed, together and with others known and unknown to the grand jury, to commit an offense against the United States, that is, to knowingly devise a scheme to defraud the Borough of Norristown and its citizens of the right to BIONDI's honest services in the affairs of the Borough of Norristown, and to obtain money and property by means of false and fraudulent pretenses, representations, and promises, and to use the United States mails and other interstate delivery services to further the scheme to defraud, in violation of Title 18, United States Code, Sections 1341 and 1346.

MANNER AND MEANS

It was part of the conspiracy that:

_____3. In or about late-2001, in violation of defendant BIONDI's duty to provide honest services to the government and citizens of the Borough of Norristown, BIONDI and defendant MAZZERLE agreed to conceal BIONDI's interest in a 1988 Mack tri-axle dump truck that

BIONDI intended to use to secretly earn income by falsely titling the truck in PCI's name and arranging to make hidden cash payments to BIONDI for PCI's use of the truck. At the time, BIONDI and MAZZERLE came to this agreement, PCI regularly did work for and received payments from the Borough. BIONDI was the official in the Borough responsible for awarding the work to contractors and for signing off on payments to contractors once work was completed.

4. In or about October and November 2001, defendants BIONDI, MAZZERLE, and others both known and unknown to the grand jury, took steps to conceal BIONDI's purchase of the 1988 Mack tri-axle dump truck, while making it appear that the truck was purchased by PCI. These steps included BIONDI borrowing money from his retirement account, BIONDI making structured withdrawals of cash from his personal bank account at Progress Bank, and Mazzerle writing a \$7,500 check in connection with the purchase and executing Pennsylvania Department of Transportation ("PennDOT") materials relating to the 1988 Mack tri-axle dump truck.

5. In or about June and July 2003, defendants BIONDI, MAZZERLE, and CARBO took steps to conceal CARBO's purchase of the 1988 Mack tri-axle truck from BIONDI, and to conceal BIONDI's purchase of a 1995 Peterbilt dump truck, using the proceeds of the sale of the 1988 Mack truck to CARBO. These steps included BIONDI taking a loan from Progress Bank, CARBO passing payments for the 1988 Mack truck through PCI, rather than directly to BIONDI, and CARBO and MAZZERLE making certain payments directly to the seller and a fleet maintenance shop, rather than through BIONDI.

6. With regard to both truck transactions described above, defendant BIONDI maintained a hidden interest in each truck, and unlawfully profited from the use of the trucks by the same Borough contractors to which he was responsible for awarding contracts, and approving

payments, once jobs were completed.

OVERT ACTS

In furtherance of the conspiracy, defendants BIONDI, MAZZERLE, and CARBO, and others known and unknown to the grand jury, committed the following overt acts in the Eastern District of Pennsylvania and elsewhere.

The 1988 Mack Dump Truck

1. On or about October 19, 2001, BIONDI obtained a \$25,000 loan from his Borough retirement account to purchase a 1988 Mack tri-axle dump truck to use in a secret profit-making business and, with defendant MAZZERLE's agreement and approval, falsely titled the truck in PCI's name.

2. To conceal the fact that he was using the proceeds of the loan from his retirement account to buy a truck to be falsely titled in the name of a Borough contractor, defendant BIONDI withdrew the money from his bank account in cash and structured the withdrawals to avoid United States Department of Treasury cash reporting requirements. To avoid creating a paper trail of the transaction, BIONDI withdrew \$5,000 in cash on or about October 31, 2001, \$5,000 in cash on or about November 6, 2001, and \$9,223 in cash on or about November 13, 2001. Had BIONDI withdrawn all \$19,223 on the same day, his bank would have been required by law to file certain reports with the Internal Revenue Service in connection with the transaction.

3. In or about late-2001, defendant BIONDI told the Borough's Director of Public Works that he purchased the 1988 Mack tri-axle dump truck to use in the event he lost his job as Borough Administrator after the upcoming election. When BIONDI did not lose his job,

BIONDI falsely stated to the Director of Public Works that he had sold the truck to PCI. In fact, BIONDI did not sell the truck, continued to own it, and concealed the fact that he was receiving cash payments from defendants MAZZERLE and CARBO.

4. On or about October 29, 2001, with the agreement and approval of defendant MAZZERLE, defendant BIONDI caused his 1988 tri-axle dump truck to be insured by PCI's insurance company, falsely claiming that the truck was owned by PCI.

5. On or about November 9, 2001, to hide the fact that defendant BIONDI was purchasing a truck, defendant MAZZERLE wrote a check from PCI's bank account for \$7,500 purportedly for payment of the 1988 Mack tri-axle dump truck actually being purchased by BIONDI. The true purchase price of the truck was not \$7,500 but approximately \$20,000; the difference was paid in cash and not reported to state authorities to evade payment of state sales tax.

6. On or about November 9, 2001, defendant BIONDI caused the application for the 1988 Mack tri-axle dump truck's title to be sent to PennDOT so that the truck could falsely be re-titled in the name of PCI, concealing BIONDI's interest in the truck. Approximately 7 to 10 days after PennDOT's receipt of the title application, PennDOT sent the title by United States mail to PCI.

7. On or about September 25, 2002, defendant BIONDI caused PennDOT to send by United States mail to PCI's offices a registration card in the name of PCI as the owner of the truck.

The 1995 Peterbilt Dump Truck

8. In or about June and July 2003, defendant BIONDI sold his 1988 Mack tri-axle dump truck to defendant CARBO, and used the proceeds from that sale, in part, to pay for the purchase of a newer truck – a 1995 Peterbilt dump truck. As set forth in more detail below, BIONDI, with the assistance and acquiescence of defendants Mazzerle and CARBO, hid his true ownership of the 1995 Peterbilt truck by having Mazzerle and PCI appear to be the purchasers of the 1995 Peterbilt truck and the sellers of the 1988 Mack truck. Actually, it was BIONDI who profited from the sale of the 1988 Mack truck, and who used the proceeds of that sale to help purchase for himself the 1995 Peterbilt truck.

9. In or about early July 2003, defendant BIONDI obtained a loan from Progress Bank in the amount of \$25,000. Records from the bank reveal that the loan was for the purchase of a truck.

10. On or about July 8, 2003, after the proceeds of the loan were deposited into his bank account at Progress Bank, defendant BIONDI wrote a check, in the amount of \$25,000 to the seller of the truck. The \$25,000 represented a portion of the total purchase price. The sticker price for the truck was \$38,000. Once title, tag, tax and transfer fees were added, the total purchase price for the 1995 Peterbilt dump truck was \$40,353.50.

11. On or about July 9, 2003, defendant CARBO obtained a \$10,000 bank check, made payable to PCI, from First Union Bank. On that same date, the \$10,000 check from CARBO was deposited into PCI's bank account at Royal Bank, and a check written on the PCI account, in the amount of \$10,000, was given to the seller of the 1995 Peterbilt truck. The

\$10,000 from CARBO represented a portion of the monies that he owed to defendant BIONDI for the purchase of the 1988 Mack truck. The money was passed through PCI, rather than directly to BIONDI, in an attempt to hide BIONDI's interest in the transaction.

12. In or about June and July 2003, defendant BIONDI caused the seller of the 1995 Peterbilt truck to receive additional cash payments totaling approximately \$5,353.50 toward the total purchase price of the truck. These cash payments represent additional proceeds of defendant BIONDI's sale of the 1988 Mack truck to defendant CARBO.

13. On or about July 10, 2003, defendant BIONDI purchased the 1995 Peterbilt truck, and caused the truck to be falsely titled in PCI's name.

14. On or about August 23, 2003, defendant BIONDI caused an application for the title to the 1995 Peterbilt truck to be sent to PennDOT, falsely stating that PCI owned the truck. Relying on BIONDI's false statement, approximately 7 to 10 days later, PennDOT sent by United States mail a title for BIONDI's truck to PCI.

15. Defendant BIONDI also caused PennDOT to issue a registration for the 1995 Peterbilt truck, falsely stating that PCI owned the truck. As a result of BIONDI's false statement, on or about October 15, 2003, registration documents were sent by United States mail from PennDOT to PCI.

16. On or about August 28, 2003, defendant CARBO obtained a second bank check from First Union Bank, in the amount of \$2,412.56, to pay for painting work done on the 1995 Peterbilt truck. Again, this represented a portion of the monies CARBO owed to defendant BIONDI for the purchase of the 1988 Mack truck. CARBO did not pay BIONDI directly in an attempt to hide BIONDI's interest in the transaction.

17. At various times between October 2001 and April 2004, defendants MAZZERLE and CARBO paid defendant BIONDI in cash for the use of BIONDI's trucks. They made the payments in cash, in part, to conceal their financial relationship with BIONDI.

18. At the same time defendants MAZZERLE and CARBO were making these hidden payments to defendant BIONDI, BIONDI was awarding tens of thousands of dollars in Borough work to their companies, PCI and TPE, companies which did virtually all of the paving for the Borough. Biondi never disclosed his relationship with these companies.

19. On or about May 24, 2003, to hide his interest in the truck and the illegal cash payments he received from Borough contractors, defendant BIONDI intentionally omitted from Statements of Financial Interest for the years 2001 and 2002 the cash payments he received from defendants MAZZERLE and CARBO, and never disclosed the fact that he had falsely titled his truck in PCI's name.

All in violation of Title 18, United States Code, Section 371.

COUNTS TWO THROUGH FIVE

HONEST SERVICES MAIL FRAUD

18 U.S.C. §§ 1341, 1346, and 2

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraph 1 of Count One of this indictment is incorporated here.

THE SCHEME

2. From in or about October 2001 to on or about April 29, 2004, defendants

**ANTHONY A. BIONDI
LAWRENCE C. Mazzerle, and
THOMAS D. CARBO**

devised and intended to devise a scheme to defraud the Borough of Norristown of the intangible right to the honest services of defendant BIONDI, the Borough Administrator, and to obtain money and property by means of false and fraudulent pretenses, representations and promises.

MANNER AND MEANS

It was part of the scheme that:

3. Paragraphs 3 through 6 of Count One of this indictment are incorporated here.
4. On or about the following dates, in the Eastern District of Pennsylvania and elsewhere, for the purpose of executing the scheme described above, and attempting to do so, and aiding and abetting its execution, the defendants listed below knowingly caused to be delivered by United States mail and by a commercial interstate carrier, according to directions thereon, the items listed below, each use of the United States mail or commercial interstate

carrier being a separate count:

COUNT	DATE	DEFENDANTS	DESCRIPTION
2	12-12-01	BIONDI MAZZERLE	Title to defendant ANTHONY A. BIONDI's 1988 Mack tri-axle dump truck falsely stating that the owner is Pottstown Contracting Company, Inc.
3	9-25-02	BIONDI MAZZERLE	Registration renewal for defendant ANTHONY A. BIONDI's 1988 Mack tri-axle dump truck falsely stating that the owner is Pottstown Contracting Company, Inc.
4	8-23-03	BIONDI MAZZERLE CARBO	Title to defendant ANTHONY A. BIONDI's 1995 Peterbilt dump truck falsely stating that the owner is Pottstown Contracting Company, Inc.
5	10-15-03	BIONDI MAZZERLE CARBO	Registration renewal for defendant ANTHONY A. BIONDI's 1995 Peterbilt dump truck falsely stating that the owner is Pottstown Contracting Company, Inc.

All in violation of Title 18, United States Code, Sections 1341, 1346, and 2.

COUNT SIX

STRUCTURING MONETARY TRANSACTIONS

31 U.S.C. § 5324(a)(3)

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 and 3 through 6 of Count One are incorporated here.
2. On or about the dates listed below, in the Eastern District of Pennsylvania,

defendant

ANTHONY A. BIONDI

knowingly and for the purpose of evading the currency reporting requirements of Title 31, United States Code, Section 5313(a), structured, assisted in structuring, and attempted to structure, currency transactions with a domestic financial institution, in that he withdrew cash from his personal checking account in amounts under \$10,000, totaling \$19,223. The transactions were conducted as follows:

<u>Date</u>	<u>Description</u>
October 31, 2001	BIONDI withdrew \$5,000 in cash from his personal checking account at Progress Bank.
November 6, 2001	BIONDI withdrew \$5,000 in cash from his personal checking account at Progress Bank.
November 9, 2001	BIONDI withdrew \$9,223 in cash from his personal checking account at Progress Bank.

In violation of Title 31, United States Code, Section 5324(a)(3).

COUNT SEVEN

FALSE STATEMENTS
18 U.S.C. § 1001

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 and 3 through 6 of Count One are incorporated here.
2. On or about April 29, 2004, in Norristown, in the Eastern District of Pennsylvania, and elsewhere, defendant

LAWRENCE C. Mazzerle,

in a matter within the jurisdiction of the Internal Revenue Service (“IRS”) and the Federal Bureau of Investigation (“FBI”), agencies of the Executive Branch of the United States, knowingly and willfully made a false material statement.

3. Agents of the IRS, together with the FBI and the Pennsylvania State Police, were investigating the existence of the honest services mail fraud conspiracy charged in Count One of this indictment. A material question in this inquiry was whether defendant ANTHONY A. BIONDI had, with the assistance and acquiescence of defendant Mazzerle, falsely titled two dump trucks in the name of PCI, Mazzerle’s company, and whether BIONDI obtained cash payments from Mazzerle and others in exchange for the use of his dump trucks.

4. With respect to this material matter, defendant Mazzerle stated that PCI, and not defendant BIONDI, owned the 1988 Mack and 1995 Peterbilt dump trucks, and that neither Mazzerle, nor anyone else at PCI, had ever paid BIONDI for driving the trucks. These statements were false, as Mazzerle then knew, as explained in the incorporated paragraphs of Count One of this indictment.

In violation of Title 18, United States Code, Section 1001.

COUNT EIGHT

FILING FALSE TAX RETURN
26 U.S.C. § 7206(1)

THE GRAND JURY FURTHER CHARGES THAT:

On or about April 15, 2003, in the Eastern District of Pennsylvania, defendant

ANTHONY A. BIONDI

willfully made and subscribed a United States income tax return, Form 1040, for the calendar year 2002, which was verified by a written declaration that it was made under the penalty of perjury and filed with the Director, Internal Revenue Service Center, at Philadelphia, Pennsylvania, which BIONDI did not believe to be true and correct as to every material matter, in that the return reported adjusted gross income of \$129,004, when in fact, as BIONDI well knew, he had received additional taxable income in the form of cash payments from borough contractors of approximately \$9,000.

In violation of Title 26, United States Code, Section 7206(1).

COUNT NINE

**FILING FALSE TAX RETURN
26 U.S.C. § 7206(1)**

THE GRAND JURY FURTHER CHARGES THAT:

On or about April 15, 2004, in the Eastern District of Pennsylvania, defendant

ANTHONY A. BIONDI

willfully made and subscribed a United States income tax return, Form 1040, for the calendar year 2003, which was verified by a written declaration that it was made under the penalty of perjury and filed with the Director, Internal Revenue Service Center, at Philadelphia, Pennsylvania, which BIONDI did not believe to be true and correct as to every material matter, in that the return reported adjusted gross income of \$137,878, when in fact, as BIONDI well knew, he had received additional taxable income in the form of cash payments from borough contractors of approximately \$14,840.

In violation of Title 26, United States Code, Section 7206(1).

COUNT TEN

**FILING FALSE TAX RETURN
26 U.S.C. § 7206(1)**

THE GRAND JURY FURTHER CHARGES THAT:

On or about April 15, 2000, in the Eastern District of Pennsylvania, defendant

LAWRENCE C. MAZZERLE

willfully made and subscribed a United States income tax return, Form 1040, for the calendar year 1999, which was verified by a written declaration that it was made under the penalty of perjury and filed with the Director, Internal Revenue Service Center, at Philadelphia, Pennsylvania, which MAZZERLE did not believe to be true and correct as to every material matter, in that the return reported adjusted gross income of \$47,510, when in fact, as MAZZERLE well knew, he had received substantial additional taxable income in the form of payments from customers that he skimmed from Pottstown Contracting Company, Inc. of approximately \$29,050.

In violation of Title 26, United States Code, Section 7206(1).

COUNT ELEVEN

**FILING FALSE TAX RETURN
26 U.S.C. § 7206(1)**

THE GRAND JURY FURTHER CHARGES THAT:

On or about April 15, 2001, in the Eastern District of Pennsylvania, defendant

LAWRENCE C. MAZZERLE

willfully made and subscribed a United States income tax return, Form 1040, for the calendar year 2000, which was verified by a written declaration that it was made under the penalty of perjury and filed with the Director, Internal Revenue Service Center, at Philadelphia, Pennsylvania, which MAZZERLE did not believe to be true and correct as to every material matter, in that the return reported adjusted gross income of \$48,928, when in fact, as defendant MAZZERLE well knew, he had received substantial additional taxable income in the form of payments from customers that he skimmed from Pottstown Contracting Company, Inc. of approximately \$55,150.

In violation of Title 26, United States Code, Section 7206(1).

COUNT TWELVE

**FILING FALSE TAX RETURN
26 U.S.C. § 7206(1)**

THE GRAND JURY FURTHER CHARGES THAT:

On or about April 15, 2002, in the Eastern District of Pennsylvania, defendant

LAWRENCE C. MAZZERLE

willfully made and subscribed a United States income tax return, Form 1040, for the calendar year 2001, which was verified by a written declaration that it was made under the penalty of perjury and filed with the Director, Internal Revenue Service Center, at Philadelphia, Pennsylvania, which MAZZERLE did not believe to be true and correct as to every material matter, in that the return reported adjusted gross income of \$63,818, when in fact, as MAZZERLE well knew, he had received substantial additional taxable income in the form of payments from customers that he skimmed from Pottstown Contracting Company, Inc. of approximately \$35,690.

In violation of Title 26, United States Code, Section 7206(1).

COUNT THIRTEEN

**FILING FALSE TAX RETURN
26 U.S.C. § 7206(1)**

THE GRAND JURY FURTHER CHARGES THAT:

On or about April 15, 2003, in the Eastern District of Pennsylvania, defendant

LAWRENCE C. MAZZERLE

willfully made and subscribed a United States income tax return, Form 1040, for the calendar year 2002, which was verified by a written declaration that it was made under the penalty of perjury and filed with the Director, Internal Revenue Service Center, at Philadelphia, Pennsylvania, which MAZZERLE did not believe to be true and correct as to every material matter, in that the return reported adjusted gross income of \$63,209, when in fact, as MAZZERLE well knew, he had received substantial additional taxable income in the form of payments from customers that he skimmed from Pottstown Contracting Company, Inc. of approximately \$20,820.

In violation of Title 26, United States Code, Section 7206(1).

COUNT FOURTEEN

**FILING FALSE TAX RETURN
26 U.S.C. § 7206(1)**

THE GRAND JURY FURTHER CHARGES THAT:

On or about April 15, 2004, in the Eastern District of Pennsylvania, defendant

LAWRENCE C. MAZZERLE

willfully made and subscribed a United States income tax return, Form 1040, for the calendar year 2003, which was verified by a written declaration that it was made under the penalty of perjury and filed with the Director, Internal Revenue Service Center, at Philadelphia, Pennsylvania, which MAZZERLE did not believe to be true and correct as to every material matter, in that the return reported adjusted gross income of \$39,452, when in fact, as MAZZERLE well knew, he had received substantial additional taxable income in the form of payments from customers that he skimmed from Pottstown Contracting Company, Inc. of approximately \$45,200.

In violation of Title 26, United States Code, Section 7206(1).

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violation of Title 31, United States Code, Section 5324(a)(3), set forth in this indictment, defendant

ANTHONY BIONDI

shall forfeit to the United States of America any and all property involved in such offense, and any property traceable to such property, including, but not limited to, the 1995 Peterbilt dump truck, VIN #1XPAXAEX9SN390872.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant(s) up to the value of the property subject to forfeiture.

All pursuant to Title 18, United States Code, Section 982.

A TRUE BILL:

GRAND JURY FOREPERSON

PATRICK L. MEEHAN
United States Attorney